

**EASTERN DISTRICT OF THE STATE OF NEW YORK**

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**JOSE ROLANDO LEON**, *Individually and on behalf of others*  
*similarly situated,*

**Plaintiffs,**

**Case No. 16-cv-480 (KAM)(PK)**

**v.**

**DECLARATION OF**  
**JOSE ROLANDO LEON**

**ZITA CHEN, Individually**  
**and DNC DOORS & CABINETS INC.**

**Defendants.**

-----X  
STATE OF NEW YORK     )  
                                      )     ss:  
COUNTY OF NEW YORK    )

Jose Rolando Leon, having been duly sworn, deposes and says:

1. I am a Plaintiff in the above-captioned case. I live in Flushing, New York. I respectfully make this declaration in support of my application for an Order granting me a default judgment against Defendants Zita Chen (“Chen”) and DNC Doors & Cabinets Inc. (“DNC”) (collectively “Defendants”), granting me unpaid minimum wage, unpaid overtime compensation, unpaid spread of hours pay, liquidated damages, post-judgment interest and attorneys’ fees and costs.
2. I filed a complaint in this Court against my former employers, Chen and DNC, because I was not paid proper minimum wage, overtime compensation, or spread of hours pay during the course of my employment.
3. I worked for Defendants from approximately December 2013, until December 16, 2015.
4. I was employed to work as a factory worker for Defendants.

5. In 2013 and 2014, I primarily made deliveries and installed products on-site at customers' locations.

6. In 2015, I primarily worked in the factory itself.

7. Chen hired me to work for DNC.

8. Chen also terminated me from DNC.

9. Defendants never provided me with a written notice of my rate of pay.

10. While working for Defendants, I regularly worked six (6) days per week.

11. I usually worked 8:00 am until 6:00 pm each day.

12. I was paid a base salary of \$120.00 per day in cash, regardless of my hours worked.

13. I was not paid at all for my last two (2) weeks of work with Defendants.

14. I have summarized the wages I am owed as follows: \$58,010.00, which includes unpaid overtime, unpaid spread of hours pay, failure to issue pay notices and liquidated damages under New York and federal law.

15. A true and accurate copy of a spreadsheet detailing the above calculations is annexed hereto as "Exhibit A."

16. I respectfully request that the Court enter judgment in my favor for a total of \$63,577.05, plus post-judgment interest.

17. I also make this declaration in support of my application for attorney's fees. I retained the Klein Law Group on December 21, 2015. My attorney's declaration is attached.

**WHEREFORE**, I respectfully request that my application be granted in its entirety, along with such other and further relief as this Court deems just and proper.

Dated: New York, NY  
April 29, 2016

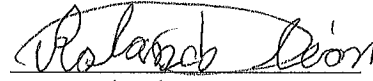
  
\_\_\_\_\_  
Jose Rolando Leon

DECLARATION OF JOSE ROLANDO LEON

I, Jose Rolando Leon, certify that I fully understand and swear to as true the contents of the document entitled Declaration of Jose Rolando Leon as translated to me.

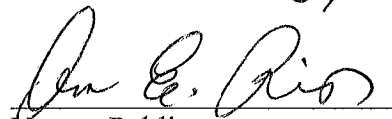
Dated: New York, NY

April 29, 2016

  
Jose Rolando Leon

Sworn to before me this 29th day of April, 2016

**ANA E. RIOS**  
**NOTARY PUBLIC, State of New York**  
No. 01RI6156593  
Qualified in Rockland County  
Commission Expires Dec. 4, 2018

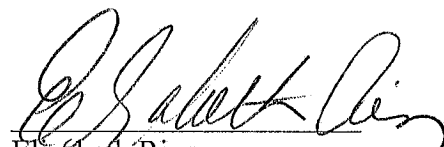
  
Notary Public

AFFIRMATION OF TRANSLATION

I, Elizabeth Rios, certify that I am fluent in both Spanish and English and that I have correctly and accurately translated this document from English to Spanish, and that the Plaintiff, Jose Rolando Leon, has assured me that he understands this document.

Dated: New York, NY

April 29, 2016

  
Elizabeth Rios

# **EXHIBIT A**

**Jose Rolando Leon vs. DNC. Doors & Cabinets, Inc.**

Case filing date 1/29/2016

| <b><u>Period</u></b> | weeks | min. wage | hrs/wk | days/wk | actu. Paid | rate/hr |
|----------------------|-------|-----------|--------|---------|------------|---------|
| 12/1/2013 12/31/2013 | 4     | \$7.25    | 60     | 6       | \$720.00   | \$12.00 |
| 1/1/2014 12/31/2014  | 52    | \$8.00    | 60     | 6       | \$720.00   | \$12.00 |
| 1/1/2015 12/16/2015  | 50    | \$8.75    | 60     | 6       | \$720.00   | \$12.00 |

**Damage: OT & SOL**

|   | weeks | OT owed  | SOH     | damage      |
|---|-------|----------|---------|-------------|
| 12/1/2013 12/31/2013                          | 4     | \$120.00 | \$43.50 | \$654.00    |
| 1/1/2014 12/31/2014                           | 52    | \$120.00 | \$48.00 | \$8,736.00  |
| 1/1/2015 12/1/2015                            | 48    | \$120.00 | \$52.50 | \$8,280.00  |
| 12/2/2015 12/6/2015 [2 weeks no wage payment] |       |          |         | \$1,785.00  |
|   |       | Total    |         | \$17,670.00 |

**FLSA Liquidated Damages**

100% Unpaid Wage 3 Years SOL

Total \$17,670.00

**NYLL Liquidated Damages**

25% of Unpaid Wage before 4/12/11 + 100% Unpaid Wage after 4/12/11, 6 Years SOL

Total \$17,670.00

**Overall** **\$53,010.00****Failure to****Issue****Wage****Notices**

\$5,000.00  
Total: \$58,010.00